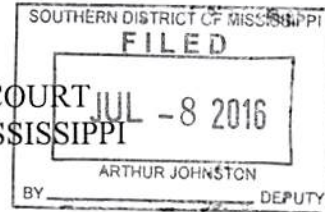


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION



WILLIAM F. NEAL, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16 cv 541 CWR-FKB

LIFE INSURANCE COMPANY OF  
NORTH AMERICA

DEFENDANT

---

**Notice of Removal**

---

TO: Jan Hyland Daigre  
Circuit Court Clerk  
Post Office Box 351  
Vicksburg, Mississippi 39181-0351

David M. Sessums  
Varner, Parker & Sessums, P.A.  
1110 Jackson Street  
Vicksburg, Mississippi 39183

You are hereby given notice that defendant Life Insurance Company of North America ("LINA") has removed this action from the Circuit Court of Warren County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division. The bases for removal are set forth below:

1.

This action was filed in the Circuit Court of Warren County, Mississippi, bearing Civil Action No. 16,0051-CI. On or after June 13, 2016, defendant LINA was served through delivery of the Complaint to C.T. Corporation. A copy of all process, pleadings, and orders served on defendant LINA is attached hereto as Exhibit "A."

2.

The United States District Court for the Southern District of Mississippi, Northern Division, has original subject matter jurisdiction of this civil action pursuant to federal question, 28 U.S.C. § 1331. Plaintiff's claims relate to an employee welfare benefit plan established or maintained by an employer, for the purpose of providing benefits for the participants or beneficiaries of the plan. As such, plaintiff's exclusive remedy is provided by ERISA, 29 U.S.C. § 1001, *et seq.* See ERISA § 502(a)(1)(B) (codified at 29 U.S.C. Sections 1331 and 1332). This Court has federal question jurisdiction and the cause is removable under 29 U.S.C. §§ 1132(a) and 1144(a), and 28 U.S.C. §§ 1331 and 1441(b). See *Metropolitan Life Ins. Co. v. Taylor*, 481 U.S. 58 (1987).

3.

This Court also has subject matter jurisdiction over this case pursuant to diversity of citizenship, 28 U.S.C. § 1332, because A) Plaintiff is an individual domiciled in the State of Mississippi, and is a citizen solely of Mississippi, and B) LINA is a corporation organized and existing pursuant to the laws of Pennsylvania, with its principal place of business in Pennsylvania. Defendant is not a citizen of the State of Mississippi. Complete diversity of citizenship exists between plaintiff and defendant. The complaint does not specify the amount demanded but the value of the benefits, remedies and relief sought in the complaint exceeds \$75,000 exclusive of interest and costs.

4.

Written notice of the filing of this Notice of Removal is being served upon plaintiff's counsel and the Circuit Clerk of Warren County, Mississippi. A copy of the complete state court file, including all process and pleadings from the state court action, will be promptly filed in accordance with this Court's electronic case filing procedures.

5.

Venue is proper in the United States District Court for the Southern District of Mississippi, Northern Division, because the state court in which the case was filed (the Circuit Court of Warren County, Mississippi) is within such district and division.

6.

Defendant reserves the right to amend or supplement this Notice of Removal, and defendant reserves all defenses.

WHEREFORE, defendant files this notice of removal and hereby removes this civil action to the United States District Court for the Southern District of Mississippi, Northern Division. Plaintiff is notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

Respectfully submitted, this the 8th day of July, 2016.

LIFE INSURANCE COMPANY OF NORTH  
AMERICA

By: William F. Ray  
William F. Ray

OF COUNSEL:

William F. Ray (MSB No. 4654)  
WATKINS & EAGER PLLC  
400 East Capitol Street  
Jackson, Mississippi 39201  
Post Office Box 650  
Jackson, Mississippi 39205  
Telephone: (601) 965-1900  
Facsimile: (601) 965-1901  
Email: wray@watkinseager.com


CERTIFICATE OF SERVICE

I, William F. Ray, attorney for defendant Life Insurance Company of North America, do hereby certify that I have this day served a true and correct copy of the above and foregoing document via U.S. Mail, postage prepaid upon:

Jan Hyland Daigre  
Circuit Court Clerk  
Post Office Box 351  
Vicksburg, Mississippi 39181-0351

David M. Sessums  
Varner, Parker & Sessums, P.A.  
1110 Jackson Street  
Vicksburg, Mississippi 39183

This the 8th day of July, 2016.

  
\_\_\_\_\_  
William F. Ray